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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/719,982	12/19/2000	Nigel Clive Lobley	36-1387	5164

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EXAMINER

WON, MICHAEL YOUNG

ART UNIT	PAPER NUMBER
2155	

DATE MAILED: 07/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/719,982

Applicant(s)

LOBLEY ET AL.

Examiner

Michael Y Won

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 December 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. Preliminary amendment has been entered.
2. Claims 1-12 have been examined and are pending with this action.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1 and 8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite in that it fails to point out what is included or excluded by the claim language. This claim is an omnibus type claim. The term "relatively" in the claim language is indefinite.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walsh et al. (US 4,890,316 A) in view of LaPorta et al (US 5,959,543 A).

INDEPENDENT:

As per claim 1, Walsh teaches of a communications system comprising transmission means (2) (see title: "Modem") for transmitting a message to and from a remote terminal (3) (see abstract: "remote DTE"), the transmission means (2) transmitting, over a relatively narrow bandwidth communications link (7) (see col.1, lines 23-26), control signals for controlling the operation (see col.2, line 65 to col.3, line 4), and network control means (8) (see Fig.1, #101 and col.4, lines 46-50) for establishing a relatively broad bandwidth communications link (5) for transmission of the message to or from the "data terminal equipment" characterized in that the network control means (8) is arranged to establish a one-way broad bandwidth communications link (5) in the direction in which the message is to be transmitted (see col.2, lines 20-24 & 32-35 and col.15, lines 25-30).

Walsh does not explicitly teach that the remote terminal transmits to and from a message storage means (1), and said control signals is for controlling the operation of the message storage means (1). LaPorta teaches of a message storage means (1) (see col.17, lines 7, 27-28, and 35-36), and said control signals are for controlling the operation of the message storage means (1) (see col.19, lines 64-66). It would have been obvious to a person of ordinary skill in the art at the time the invention was made

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to employ the teachings of LaPorta within the system of Walsh by implementing message storage means with said control signals within the communication systems because any computer system can be remotely connected for communication with any other computer system via a modem. Furthermore, LaPorta teaches that the system is "especially suited for communication scenarios" where the directions are asymmetric (see LaPorta: col.3, lines 1-6) and Walsh teaches that his system also comprises of asymmetrical transmission (see Walsh: col.2, lines 19-24).

As per claim 8, Walsh teaches a method of transmitting a message from a remote terminal (3) (see abstract: "remote DTE") or retrieving a message, over relatively broad bandwidth communications links (5) (see col.15, lines 25-30), wherein signals for controlling the operation (see col.2, line 65 to col.3, line 4) are transmitted over relatively narrow bandwidth communications links (7) (see col.1, lines 23-26) and characterized in that a one-way broad bandwidth communications link (5) is established in the direction in which the message is to be transmitted (see col.2, lines 20-24 & 32-35).

Walsh does not explicitly teach of a signal for controlling the message bank system. LaPorta teaches of a signal for controlling the message bank system. (see claim 1 rejection above)

DEPENDENT:

As per claims 2 and 9, Walsh further teaches the network control means (8) being arranged to identify whether the remote terminal (3) requires transmission and/or

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receipt of control signals over a relatively broad bandwidth communications link in the direction contrary to that in which the message is to be transmitted (see col.2, lines 25-31 and line 65 to col.3, line 4); and arranged to establish said one-way broad bandwidth link (5) if the said terminal does not require such a broad bandwidth link in the reverse direction, and to establish a two-way broad bandwidth link (4) if the said terminal (3) requires transmission of control signals over such a broad bandwidth link (see col.2, lines 32-50).

As per claims 3 and 10, Walsh further teaches the network control means (8) further comprising means to convert the said two-way broad bandwidth link (4) to a one-way broad bandwidth link (5) during the course of a call when the requirement for a broad bandwidth link in the reverse direction ceases (see col.2, lines 59-64).

As per claims 4 and 11, Walsh further teaches wherein the control means (8) comprises means to reverse the sense of the one-way broad bandwidth communications link (5) during the progress of a call (see col.2, lines 36-39 and col.15, lines 24-25).

As per claims 5 and 12, Walsh further teaches of a telecommunications equipment (1,3) (see abstract: "DTE" and "remote DTE") and a method comprising means for receiving said control signals over a relatively narrow band channel (7) (see col.1, lines 7-10 & 23-26), and converting said control signals into visible or audible prompt signals readable by the human or machine transmitting or receiving the message (see col.12, lines 5-16).

As per claim 6, Walsh does not explicitly teach of the telecommunication equipment being a message-storing terminal (1). LaPorta teaches of the telecommunication equipment being a message-storing terminal (1) (see claim 1 rejection above).

As per claim 7, Walsh does not explicitly teach of being a terminal (3) by means of which a message storing service can be accessed to send or retrieve messages. LaPorta teaches of being a terminal (3) by means of which a message storing service can be accessed to send or retrieve messages (see claim 1 rejection above).

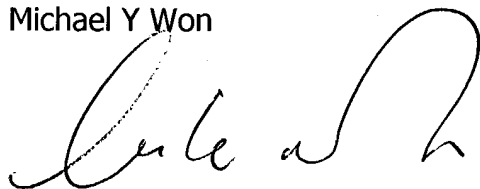
5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Y Won whose telephone number is 703-605-4241. The examiner can normally be reached on M-Th: 6AM-3PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain T Alam can be reached on 703-308-6662. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Michael Y Won



July 7, 2004



HOSAIN ALAM
SUPERVISORY PATENT EXAMINER